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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI **EASTERN DIVISION**

	Order
Defendant(s).)
)
ANTONY BLINKEN, et al.)
)
V.) Case No. 4:21-cv-01148-SRC
)
Plaintiff(s),)
)
CHRISTOPHER WILKES,)

Defendants move for reconsideration of the Court's decision to deny their motion to dismiss. See Doc. 16; Wilkes v. Blinken, No. 4:21-cv-1148, 2022 WL 1288402 (E.D. Mo. Apr. 29, 2022). The motion rests on the beliefs that Wilkes merely wishes to jump the visaadjudication line and that the Court's prior order "presuppose[s] that Rule 12(b)(6) was generally inappropriate in delay-related immigration cases due to their factual complexity." Doc. 18 at p. 4–5, 9; Doc. 25. Yet, as the Court pointed out, this case concerns Wilkes's apprehension that others in line have jumped him. Doc. 16 at p. 13–14. And despite the Defendants' apparent presentiment, the order does not presuppose that motions to dismiss are "generally inappropriate" in adjudication-delay cases. Instead, the Court applied the TRAC factors to the complaint's allegations and the judicially noticeable evidence, just as "the parties assume[d] that it may." Id. at p. 10; see Telecomms. Research & Action Ctr. v. FCC, 750 F.2d 70 (D.C. Cir. 1984). Thus, the Court denies the [18] motion for reconsideration and denies as moot Wilkes's [28] motion for leave to file a sur-reply.

So Ordered this 1st day of June 2022.

